

Steven L. Jones



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February 4, 2026

VIA ACCELA PORTAL

Coweta County Board of Commissioners
c/o Ms. Shannon Zerangue, County Clerk
22 East Broad Street
Newnan, Georgia 30263
szarangue@coweta.ga.us

Coweta County Community Development
Department
c/o Mr. Ben Sewell, Director
22 East Broad Street, Suite 222
Newnan, Georgia 30263
bsewell@coweta.ga.us

**RE: Coweta County Tax Parcel Identification Number (“TPN”) 130 6082 001
(the “Property”);
Rezoning Application to Amend the Zoning Map of Coweta County regarding
the Property (the “Rezoning Application”).**

Coweta County Board of Commissioners:

On behalf of our clients, Robert K. Matteri, Kathryn J. Lannin, and Carole L. Matteri, (the “**Applicants**” or the “**Owners**”), the law firm of McKagen Jones respectfully submits this letter of intent (this “**LOI**”) regarding the Application.

The Property is presently zoned Rural Conservation District (“**RC**”) under the Zoning and Development Ordinance of Coweta County, Georgia (the “**Zoning Ordinance**”), which is codified at Appendix A to the Code of Ordinances of Coweta County, Georgia.

The official Coweta County Land Development Guidance System Map (the “**LDGS Map**”) designates the Property has having less than six points under the Land Development Guidance System (the “**LDGS**”). The Application requests an exception, pursuant to Section 73(2) of the Zoning Ordinance, to the points threshold for the development types permitted within the RC zoning district so that the Property may be developed with twenty-three Estate Lot (two acre) (“**EL-2**”) single-family residential lots.

As shown herein, many of the properties adjacent to and nearby the Property are designated on the LDGS Map as having more than six points and/or are developed with lots sizes consistent with the lot sizes the Application proposes for the Property.

Section 73(2) of the Zoning Ordinances provides as follows:

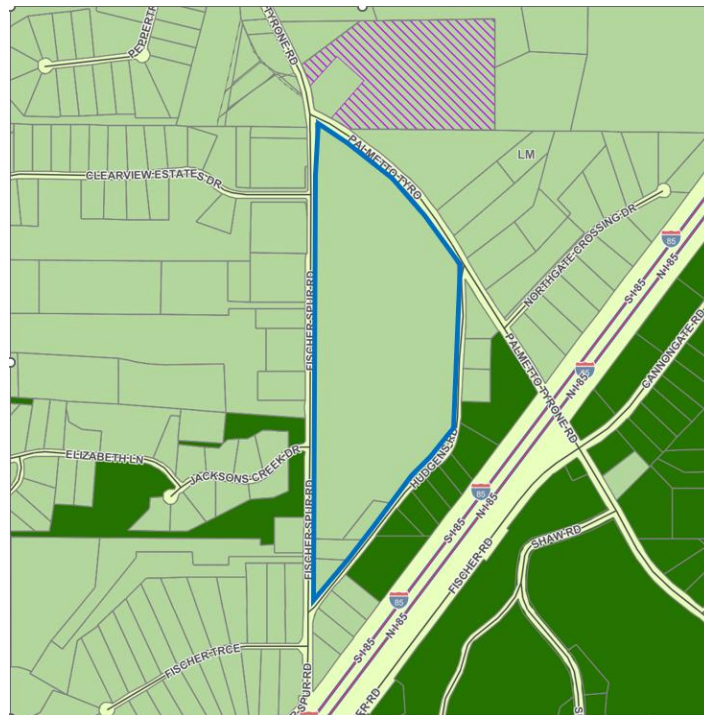
Development types not consistent with the points thresholds established [in Section 73(1) of the Zoning Ordinance] shall not be considered as a

permitted use - unless granted approval by the board of commissioners. Any application to allow an exception to the points thresholds established above as they apply to a particular tract of land shall be handled in the same manner as prescribed for map amendments in Article 29 of [the Zoning Ordinance], including, but not limited to, the requirement for application, survey, conceptual site plan, notifications, public hearing, and relevant standards of review.

Section 294 of the Zoning Ordinance provides that the BOC, in evaluating applications for a map amendment, “will consider one or more of the following factors,” (the “**Rezoning Factors**”) which are restated below (in bold) and each is followed by the Owners’ analysis of each factor.

(1) The existing land use pattern

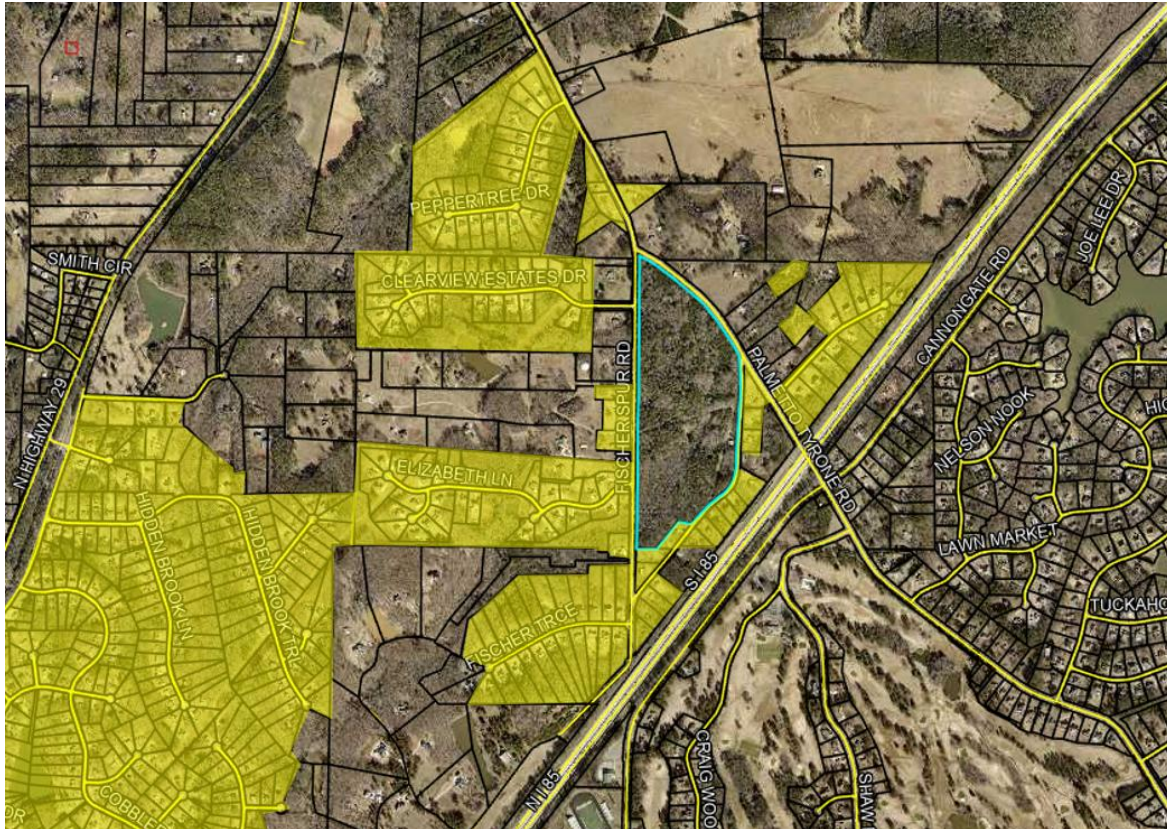
The existing land use pattern around the Property supports the Application. The excerpt of the LDGS Map below shows properties designated with six or more points shaded dark green and properties designated as having less than six points light green. The request for an exception to the LDGS Map would extend to the Property the LDGS Map designation of properties adjacent to the east and west of the Property and with more than six points.



EXCERPT OF THE LDGS MAP

Additionally, as shown by the excerpt of the Coweta County Tax Assessor’s cadastral map below, many of the Properties (highlighted yellow in the map below) adjacent to and/or in

proximity to the Property are developed and/or subdivided with lots of two acres or less. In other words, many of the properties adjacent to or in proximity to the Property have lot sizes smaller than the Application proposes for the Property. Accordingly, this Rezoning Factor supports approval of the Application.



ANNOTATED EXCERPT OF THE TAX ASSESSORS' MAP

(2) The possible creation of an isolated district unrelated to adjacent and nearby districts

As shown in the excerpt of the LDGS Map and the Tax Assessors' Map above, the proposed exception to the LDGS Map is compatible with adjacent and surrounding properties, which have been zoned or developed for residential use and/or subdivided for lot sizes consistent with or smaller than those proposed by the Application for the Property. Accordingly, there is no possibility that approval of the Application would create an isolated district unrelated to adjacent and nearby districts. Therefore, this Rezoning Factor weighs in favor of approving the Application.

(3) The population density pattern and possible increase or overtaxing of the load on public facilities including, but not limited to, schools, utilities, and streets

The use proposed by the Application will continue the surrounding density pattern and will

have limited impact on public facilities. The Property will be developed generally as shown on the concept plan below, the addition of a relatively, small number—twenty-three—single-family detached homes will not overtax public facilities, given that there are approximately 100 other similarly sized or smaller sized lots within the area near the Property. Consequently, approval of the Application is supported by this Rezoning Factor.



CONCEPT PLAN

(4) The cost of the county and other governmental entities in providing, improving, increasing or maintaining public utilities, schools, streets and other public safety measures

Approval of the Application will not have a significant increase in the cost to the county and other governmental entities in providing, improving, or maintaining public utilities, schools, streets, or other public safety measures. As noted in response to the previous factor, approval of the Application will have a minimal effect on schools, public utilities, or streets. The excerpt of the Tax Assessors' map above shows that, within the area around the Property, there are approximately 100 single-family lots of consistent size or smaller size than the lots proposed by the Application. Additionally, the use proposed for the Property will not increase the cost of public safety measures as the proposed use is consistent with the uses already permitted as a matter of right on nearby, similarly situated properties. Approval of the Application, thus, is further justified by this Rezoning Factor.

(5) The possible impact on the environment, including, but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quantity

The requested exception to the LDGS point systems will not have a significant impact on the environment, including, but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quantity. The proposed development of twenty-three single-family detached homes will be constructed to meet all applicable local, state, and federal requirements that pertain to environmental issues, including, but not limited to, those related to drainage, soil erosion and

sedimentation, and flooding. As a result, this Rezoning Factor also weighs in favor of approving the Application.

(6) Whether the proposed zoning map amendment would have an adverse impact on the value, use, enjoyment, or potential development of adjacent property

The proposed zoning map amendment will not have an adverse impact on the value, use, enjoyment, or potential development of adjacent property. The Property is already zoned for residential use. The Application only requests an exception to the LDGS point system for development of lots consistent with or larger than many of the lots in the area near the Property. Therefore, the proposed zoning map amendment will not have any impact on the value, use, enjoyment, or potential development of adjacent property. Accordingly, approval of the Application is likewise supported by this Rezoning Factor.

(7) Whether there are substantial reasons why the property cannot be used in accordance with existing regulations

The Property potentially could be developed in an economically viable manner as currently zoned but changing the LDGS to greater than six points, allows for a superior and more marketable development consistent with development, zoning, and/or subdivision of lots in the area near the Property. This Rezoning Factor, consequently, also supports approval of the Application.

(8) The aesthetic effect of existing and future use of the property as it relates to the surrounding area

Approval of the Application will not have an adverse aesthetic effect on the existing and future use of the Property as it relates to the surrounding area. As noted above, the Property is surrounded by RC zoning. Approval of the Application will simply extend the LDGS designation of six points or greater on adjacent and nearby properties to the Property, consistent with the development trend in the area. Accordingly, approval of the Application is justified by this Rezoning Factor.

(9) The possible effects of the proposed zoning map amendment on the character of a zoning district, a particular piece of property, neighborhood, a particular area, or the community

The character of the RC zoning district will not be negatively affected by approval of the Application because numerous other properties adjacent to and in close proximity to the Property are already developed with, subdivided for, and/or zoned for residential lots that would be permissible with LDGS points above six. Therefore, the RZ zoning district, the neighborhood, and the particular area near the Property will not be negatively affected by approval of the Application. As a result, this Rezoning Factor supports approval of the Application.

(10) The relation that the proposed zoning map amendment bears to the purpose of the overall zoning scheme, with due consideration given to whether or not the proposed change will help carry out the purposes of those zoning regulations

The proposed zoning map amendment is consistent with the overall zoning scheme, as evidenced by the nearby and adjacent RC zoning with LDGS points above six and the development and/or subdivision of a larger number of lots of two acres or less in size in the immediate vicinity of the Property. Therefore, given the existing zoning and development pattern of nearby and adjacent properties, this factor supports approval of the Application.

(11) The consideration of the preservation of the integrity of residential neighborhoods shall be considered to carry great weight

Approval of the Application will preserve the integrity of residential neighborhoods as the Application proposes single-family residential lots consistent with the surrounding area as developed, subdivided, and/or currently zoned. The development of the Property as proposed will add to current residential neighborhoods, thus not just preserving but increasing the integrity of the area. Therefore, this factor supports approval of the Application.

(12) In those instances in which property fronts on a major thoroughfare and also adjoins an established residential neighborhood, the factor or [of] preservation of the residential area shall be considered to carry great weight

The Property, as stated above, will preserve the zoning and development trend of the residential areas adjoining the Property. Therefore, this factor weighs in favor of approving the Application.

(13) Any other factors relevant to the balancing of interests in promoting the public health, safety, morality or general welfare against a right to unrestricted use of property

As previously noted, the requested exemption to the LDGS points system will add a modest number of single-family detached residential homes adding value to the area without taxing public utilities. Accordingly, the proposed Zoning Map amendment promotes both the public health, safety, morality, and general welfare and a right to unrestricted use of property, such that this Rezoning Factor is also supportive of approval of the Application.

(14) Whether the proposed zoning map amendment is consistent or inconsistent with the county's comprehensive plan, future development map and associated goals and objectives

The Coweta County 2021-2041 Comprehensive Plan (the “**Comp. Plan**”) designates, on the character area map, the Property as being within the Suburban Residential character area (Comp. Plan, pg.65). The Suburban Residential character area includes “residences . . . typically

placed on small lots under 5 acres within the Growth Maintenance strategy area,” in which the property is located. (*Id.* at p.74). Additionally, the “Suburban Residential character areas are where a transition occurs from previously rural and agricultural uses to suburban residential.” (*Id.* at p.74). In this character area, corresponding zoning includes RC and “[n]ew developments should blend with existing neighborhoods.” (*Id.* at p.79).

Additionally, the Comp. Plan designates, on the growth strategy map, the Property as being within the Growth Maintenance area. (*Id.* at p. 168). This designation is considered “[t]he middle tier,” and is “generally recognized as the land between Growth Priority Areas and Rural Places. This area is mainly suburban with low-density residential.” (*Id.* at p. 180). The Comp. Plan also states that, “[l]and-use policies and regulations should encourage low-density residential development that is consistent with the existing setting. Properties adjacent to the Rural Places Area should match the adjacent density to create an invariable transition and mitigate adverse impacts from incompatible land use or density.” (*Id.* at p. 180). As noted above, that is exactly what the Application proposes for the Property.

The Application furthers the goals and objectives of this character area and the growth maintenance designation. Thus, the proposed zoning map amendment is consistent with the County’s Comp. Plan, and associated goals and objectives, and this Rezoning Factor also supports approval of the Application.

* * * * *

The form for the Application asks the following prompts/inquires, which are restated below in bold and each is followed by the Owners’ analysis thereof.

(1) If the requested zone change is to extend an existing adjacent zoning district over this property, explain why the proposed zoning change should be made.

The Application does not request to extend an adjoining zoning district, rather it requests an exemption from LDGS designation presently applied to the Property to allow it to be developed in a manner consistent with the lot sizes and/or LDGS point designation for many of the adjoining and surrounding properties.

(2) If this application is not for the extension of an existing district, explain why this property should be placed in a different zoning district than all adjoining property (how does it differ from adjoining property and why should it be subject to different restrictions than those applying to adjoining property?).

The Application does not request to extend an adjoining zoning district, rather it requests an exemption from LDGS designation presently applied to the Property to allow it to be developed in a manner consistent with the lot sizes and/or LDGS point designation for many of the adjoining and surrounding properties.

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Georgia law and the procedures of Coweta County require us to raise Federal and State constitutional and other objections during the public hearing application process. While the Owners anticipate a smooth application process, failure to raise such objections at this stage may mean that the Owners will be barred from raising important legal claims later in the process. Accordingly, we are required to and hereby raise the objections set forth in Exhibit "A" and Exhibit "B" hereto at this time.

The Owners and I appreciate the County's and Board of Commissioners' attention to the Application. Should you have any questions or require further information, please let me know.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven L. Jones", written in a cursive style.

Steven L. Jones

cc: Owners

Enclosures

Exhibit "A" – Constitutional Objection to Current Zoning

Exhibit "B" – Objection to Zoning Hearing Based on *York v. Athens College of Ministry, Inc.*

EXHIBIT "A"

CONSTITUTIONAL OBJECTION

Facially and as applied to the real property of the real property of Robert K. Matteri, Kathryn J. Lannin, and Carole L. Matteri (the "Owners"), whose property is identified as Coweta County Tax Parcel Identification Number ("TPN") 130 6082 001 (the "Property"), and is the subject of the Rezoning Application to Amend the Zoning Map of Coweta County (the "Application") filed by the Owners and to which this Constitutional Objection is attached, and as applied to the Owners, if the Application is not approved or is approved with condition(s) not consented to by the Owners, the Zoning and Development Ordinance of Coweta County, Georgia (the "Zoning Ordinance"), which is codified at Appendix A to the Code of Ordinances of Coweta County, Georgia, will be unconstitutional in that the Owners' property rights in and to the Property will be destroyed without first receiving fair, adequate, and just compensation for such property rights. In such case, such action on the Application as well as the Zoning Ordinance, facially and as applied to the Property and the Owner, will deprive the Owners of constitutionally protected rights in violation of the Just Compensation Clause of the Fifth Amendment to the Constitution of the United States of America; Article I, Section I, Paragraphs I-II of the Constitution of the State of Georgia of 1983; Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983; and the Due Process and Equal Protection Clauses of the Fourteenth Amendment to the Constitution of the United States of America.

If the Application is not approved or is approved with condition(s) not consented to by the Owners, such action on the Application and application of the Zoning Ordinance to the Property and the Zoning Ordinance facially will be unconstitutional, illegal, arbitrary, capricious, null, and void, constitute a taking of the Property in violation of the Just Compensation Clause of the Fifth Amendment to the Constitution of the United States of America; Article I, Section I, Paragraphs I-II of the Constitution of the State of Georgia of 1983; Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983; and the Equal Protection and Due Process Clauses of the Fourteenth Amendment to the Constitution of the United States of America thereby denying the Owners an economically viable use of the Property while not substantially advancing legitimate state interests.

Inasmuch as it is impossible or impracticable for the Owners to use the Property and simultaneously comply with the Zoning Ordinance and in the event the Application is not approved or is approved with condition(s) not consented to by the Owners, such action on the Application, application of the Zoning Ordinance to the Property, and the Zoning Ordinance facially will constitute arbitrary, capricious, and unreasonable act by the Coweta County, Georgia (the "County"), by and through the Board of Commissioners of the County (the "BOC"), without any rational basis therefor and constitute abuses of discretion in violation of the Just Compensation Clause of the Fifth Amendment to the Constitution of the United States of America; Article I, Section I, Paragraphs I-II of the Constitution of the State of Georgia of 1983; Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983; and the Due Process and Equal Protection Clauses of the Fourteenth Amendment to the Constitution of the United States of America.

If the Application is not approved or is approved with condition(s) not consented to by the Owners, such action on the Application, application of the Zoning Ordinance to the Property, and

EXHIBIT "A"

the Zoning Ordinance facially will be unconstitutional and discriminate against the Property and/or the Owners in an arbitrary, capricious, and unreasonable manner between the Owners and others similarly situated in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States of America.

As applied to the Property and facially, the Zoning Ordinance is a significant detriment on the Owners and is insubstantially related to the public health, safety, morality, and general welfare.

WHEREFORE, the Owners request that the Board of Commissioners of Coweta County, Georgia approve the Application, as specified and designated therein, with only condition(s) consented to by the Owners.

Respectfully submitted this 4th day of February 2026.

MCKAGEN JONES
Counsel for the Owners

/s/ Steven L. Jones
Steven L. Jones

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EXHIBIT “B”

OBJECTIONS TO AND FOR ZONING HEARINGS BASED ON YORK V. ATHENS COLLEGE OF MINISTRY, INC.

Regarding the Rezoning Application to Amend the Zoning Map of Coweta County (“Application”) to which this objection is attached for the real property of Robert K. Matteri, Kathryn J. Lannin, and Carole L. Matteri, (the “Owners”), which property is identified as Coweta County Tax Parcel Identification Number (“TPN”) 130 6082 001 (the “Property”), any and every public hearing regarding, and any Board of Commissioners of Coweta County, Georgia (the “BOC”) or other board or entity action (including, but not limited, any final action) on, the Application, are objected to by the Owners based on, but not limited to, the reasons set forth herein (collectively the “York Objection” and each an “Objection”), in accordance with *York v. Athens College of Ministry, Inc.*, 348 Ga. App. 58, 821 S.E.2d 120 (Ga. Ct. App. 2018):

Contemporaneous with the filing of this York Objection, the Owners are filing a Constitutional Objection, and all Objections set forth therein are incorporated herein by reference as if fully restated.

The Owners object to any and every public and other hearing(s) regarding the Application, including, but not limited to, those before the BOC, because the time limitation, if any, imposed on the presentation of evidence and testimony in support of, as well as in rebuttal to opposition evidence, comments, and/or testimony to, the Application deprives the Owners a meaningful opportunity to be heard and preserve issues, in violation of the Due Process Clauses of the Fourteenth Amendment to the Constitution of the United States and Article I, Section I, Paragraph I of the Constitution of Georgia of 1983. Likewise, the Owners object to any and all members of the public (and/or other persons) who appear (or otherwise give testimony and/or opinion) at any and all public hearing(s) and other meetings, including, but not limited to, before the BOC to the extent that (but not limited to) said individuals (a) do not have standing to appeal the BOC’s decision on the Application (*i.e.*, do not satisfy the substantial interest-aggrieved citizen test); (b) are not under oath; (c) are not subject to cross-examination; (d) present evidence on and/or make statements that qualify as (or must or should be assessed with the aid of) expert opinion testimony without any or all individuals being qualified as expert witnesses; (e) present evidence on and/or make statements that are not germane to the exclusive factors for consideration of the Application set forth in the Zoning and Development Ordinance of Coweta County, Georgia (the “Zoning Ordinance”), which is codified at Appendix A to the Code of Ordinances of Coweta County, Georgia; (f) present evidence and/or make statements that are founded, wholly or in part, upon inadmissible, unreliable, nonprobative, insubstantial, and/or lay, hearsay, nonexpert opinion evidence; (g) fail to disclose any and every campaign (or other) contribution to any member of the BOC; and/or (h) are not residents of the County.

Additionally, the Owners object to any BOC or other board or entity action that does not approve the Application or approves the Application with conditions not consented to by the Owners and any other action of the County to the extent that (but not limited to) such action is: (a) in violation of Section 50-13-19(h) of the Official Code of Georgia Annotated or otherwise: (1) in violation of any constitutional, statutory, and/or ordinance provisions; (2) in excess of the constitutional, statutory, and/or ordinance authority of the BOC; (3) made upon unlawful procedure; (4) affected by other error of law; (5) clearly erroneous in view of the reliable,

EXHIBIT "B"

probative, and substantial evidence on the whole record; and/or (6) arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion; (b) founded, wholly or in part, upon inadmissible, unreliable, nonprobative, insubstantial, and/or lay, hearsay, nonexpert opinion evidence; (c) contrary to, or based, in whole or in part, on factors or considerations other than, the exclusive factors or procedure for consideration of the Application set forth in the Zoning Ordinance; (d) based, in whole or in part, on evidence and/or information received by the BOC (1) outside of the public hearing on the Application; (2) by *ex parte* or other similar means; and/or (3) otherwise in a manner which does not afford the Owners a right to respond to or otherwise confront all evidence considered by the BOC in its evaluation of the Application; (e) otherwise not made pursuant and in conformance with the Code of Ordinances; the Zoning Ordinance; the Georgia Zoning Procedures Law, O.C.G.A. § 36-66-1, *et seq.*; and/or any other law, including the Constitutions of the State of Georgia or the United States of America; (f) pursuant to an ordinance, resolution, zoning map, and/or the like not adopted in compliance with the Code of Ordinances; the Zoning Ordinance; the Georgia Zoning Procedures Law, O.C.G.A. § 36-66-1, *et seq.*; and/or any other law, including the Constitutions of the State of Georgia or the United States of America, which the Owners contend is the case for the applicable ordinances, resolutions, and maps, including, but not limited to, the Zoning Ordinance; and/or (g) not sustained by sufficient evidence.

By and through this *York* Objection, the Owners hereby preserve all the above and incorporated Objections, and any and all evidence, arguments, and objections made and/or tendered at or prior to any hearing, and/or prior to the BOC's final action, on the Application, and assert them on and within the record before, and for consideration and resolution (prior to any formal decision) by, the BOC.

WHEREFORE, the Owners request that the Board of Commissioners of Coweta County, Georgia approve the Application, as specified and designated therein, with only condition(s) consented to by the Owners.

Respectfully submitted this 4th day of February 2026.

MCKAGEN JONES
Counsel for the Owners

/s/ Steven L. Jones
Steven L. Jones

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